C.B. (II) No.115

JOINT COMMITTEE ON OFFICES OF PROFIT

THIRD REPORT

(SECOND LOK SABHA)

Presented on the 25th *April,* 1961

LOK SABHA SECRETARIAT
NEW DELHI
April, 1961
Price 0.30*nP.*

PAGE

CONTENTS

I. COMPOSITION OF THE JOINT COMMITTEE . . . . . (iii)

II. REPORT OF THE JOINT COMMITTEE 1

APPENDIX :

Minutes of the Sittings of the Joint Committee . 3

JOINT COMMITTEE ON OFFICES OF PROFIT

COMPOSITION OF THE JOINT COMMITTEE

Shri C. R. Pattabhi Raman—*Chairman*

MEMBERS

Lok Sabha

2. Dr. M. S. Aney
3. Shri Premji R. Assar
4. Dr. K. B. Menon
5. Shri Radheshyam Ramkumar Morarka
6. Shri Hirendra Nath Mukerjee
7. Shrimati Uma Nehru
8. Shri Radha Charan Sharma
9. Shri H. Siddananjappa
*10. Shri Rameshwar Sahu.

Rajya Sabha

11. Diwan Chaman Lall
12. Shri T. S. Avinashilingam Chettiar
13. Shri M. Govinda Reddy
14. Dr. Raj Bahadur Gour
15. Shri Rajendra Pratap Sinha.

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

---

* Elected by Lok Sabha on the 17th March, 1961 *vice* Shri Satyendra Narayan Sinha ceased to be a member of the Joint Committee on his resignation from that House.

REPORT OF THE JOINT COMMITTEE

I

INTRODUCTION

I, the Chairman of the Joint Committee on Offices of Profit, having been authorised by the Committee to present the report on their behalf present this their Third Report.

2. Subsequent to the presentation of the Second Report to the House on the 9th September, 1960 the Committee held 7 sittings *i.e.* on the 10th, 12th and 13th October and 2nd December, 1960, 23rd and 24th January and 17th April, 1961 and considered memoranda regarding composition, functions etc., of the Committees constituted by the Government of India and State Governments and the emoluments and allowances paid to their members.

3. Detailed information regarding constitution, composition, functions etc., of the committees and emoluments and allowances paid to their members was supplied by the respective Ministries|Departments of the Government of India and State Governments on request made by the Lok Sabha Secretariat.

4. The Committee considered and adopted the Report on the 17th April, 1961.

II

ADDITION OF BODIES TO THE SCHEDULE TO THE PARLIAMENT (PREVENTION OF DISQUALIFICATION) ACT, 1959 WHOSE EVEN MEMBERSHIP WOULD DISQUALIFY

5. The Committee, during the course of their examination of the composition and functions of various committees, boards etc., referred to in their first two Reports, had felt that membership of some of those bodies was not compatible with membership of Parliament for one reason or the other. For instance certain committees or boards were entrusted with executive or judicial powers. In other cases although membership did not carry any remuneration it placed its members in a position of power or influence or in a position to distribute patronage. In respect of other bodies membership appeared incompatible due to physical impossibility of attending in two places or due to heavy duties being attached to those offices. The Committee also felt that if members, who were associated with certain bodies as directors or otherwise sat in the House they would be in an embarrassing position *vis-a-vis* the Minister responsible for the particular statutory body when such a body came up for discussion in the House.

6. The Committee, however, had to recommend such bodies for inclusion either in Part I or Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959 because the Act did not contain any Part in the Schedule specifying bodies whose membership would disqualify.

7. Subsequently the Committee have come across more such bodies whose membership ought to disqualify. They have discussed at length the question of having another Part to the Schedule to the Act wherein such bodies might be specified.

8. The Committee in this connection noted that in the House of Commons Disqalification Act, 1957 (First Schedule Part II) "Commission, Tribunals and other Bodies of which all members are disqualified" were given. They also perused the Report of the Committee on Offices of Profit (Bhargava Committee) and the Report of the Joint Committee on the Parliament (Prevention of Disqualification) Bill, 1957, wherein recommendations have been made for disqualifying membership of certain bodies.

9. Taking all these factors into consideration the Committee feel that there should be another Part to the Schedule to the Parliament (Prevention of Disqualification) Act, 1959 in which bodies, whose membership ought not to be exempted from disqualification, may be specified. For instance, the Committee consider that the composition, functions, etc. of the following bodies are such that even membership thereof ought to be disqualified:—

1. Board of Directors of Hindustan Steel (P) Ltd.
2. Board of Directors of Heavy Engineering (P) Ltd.
3. Board of Directors of Oil India (P) Ltd.

10. The Committee accordingly recommend that the Parliament (Prevention of Disqualification) Act, 1959 should also enumerate in its Schedule bodies whose membership would disqualify a person for being chosen as or for being a member of either House of Parliament.

11. If the aforesaid recommendation of the Committee is accepted the Committee will undertake the task of re-examining the constitution, functions etc., of all the Committees with a view to determining as to which of them should be recommended for disqualification.

C. R. PATTABHI RAMAN,

Chairman,
Joint Committee.

NEW DELHI;
The 24th April, 1961.
The Vaisakha 4, 1883 (*Saka*).

APPENDIX

MINUTES OF THE JOINT COMMITTEE ON OFFICES OF PROFIT

I

Fourteenth Sitting

The Committee met from 11·00 hours to 12·30 hours on Monday, the 10th October, 1960.

PRESENT

Shri C. R. Pattabhi Raman—*Chairman.*

MEMBERS

Lok Sabha

2. Dr. M. S. Aney
3. Shri Radheshyam Ramkumar Morarka
4. Shri Hirendra Nath Mukerjee
5. Shri Radha Charan Sharma
6. Shri H. Siddananjappa
7. Shri Satyendra Narayan Sinha

Rajya Sabha

8. Shri T. S. Avinashilingam Chettiar
9. Shri M. Govinda Reddy
10. Dr. Raj Bahadur Gour

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

* * * * * * * *

5. The Committee upon taking up for consideration the State Transport Authority (Delhi) reopened discussion on the question of adding a third part to the schedule to the Parliament (Prevention of Disqualification) Act, 1959, wherein bodies, whose not only Chairmanship and Secretaryship but even membership should

---

**Omitted as not covered by the Report.

disqualify, would be enumerated (*vide* para 6 of the minutes of the 10th Sitting held on the 21st June, 1960).

In this connection the Committee desired the Secretariat to circulate (i) detailed information regarding functions, and powers of the Board of Directors, capital invested etc. in various public undertakings, fully or partially owned by Government and (ii) extracts from Reports, debates or other authorities relating to the question of associating members of Legislatures with the management of public undertakings.

The Committee deferred consideration of the question to 12th October, 1960 pending circulation of the above mentioned material.

6. The Committee then adjourned to meet again at 15.00 hours on Wednesday, the 12th October, 1960.

II

Fifteenth Sitting

The Committee met from 15.00 hours to 16.30 hours on Wednesday, the 12th October, 1960.

PRESENT

Shri C. R. Pattabhi Raman—*Chairman.*

MEMBERS

Lok Sabha

2. Dr. M. S. Aney
3. Shri Premji R. Assar
4. Shri Radheshyam Ramkumar Morarka
5. Shri Radha Charan Sharma
6. Shri H. Siddananjappa

6A. Shri Hirendra Nath Mukerjee

Rajya Sabha

7. Shri T. S. Avinashilingam Chettiar
8. Shri M. Govinda Reddy
9. Dr. Raj Bahadur Gour
10. Shri Rajendra Pratap Sinha.

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee discussed the question of adding a third part to the Schedule to the Parliament (Prevention of Disqualification) Act, 1959 wherein bodies, not only whose Chairmanship and Secretaryship but even membership should disqualify would be enumerated.

The Committee however deferred decision on the question.

3. The Committee then adjourned to meet again at 15.00 hours on Thursday the 13th October, 1960.

III

Sixteenth Sitting

The Committee met from 15.00 hours to 16.00 hours on Thursday, the 13th October, 1960.

PRESENT

Shri C. R. Pattabhi Raman—*Chairman.*

MEMBERS

Lok Sabha

2. Dr. M. S. Aney
3. Shri Premji R. Assar
4. Shri Radheshyam Ramkumar Morarka
5. Shri Hirendra Nath Mukerjee
6. Shri Radha Charan Sharma
7. Shri H. Siddananjappa

Rajya Sabha

8. Shri T. S. Avinashilingam Chettiar
9. Shri M. Govinda Reddy
10. Dr. Raj Bahadur Gour
11. Shri Rajendra Pratap Sinha

Secretariat

Shri A. L. Rai—*Deputy Secretary.*

* * * * * * *

6. The Committee while considering composition and functions of the—

1. State Transport Authority (Delhi Administration).

2. Managing Committee of the Government Sales Emporium, West Bengal felt that in case it is decided that Part III to the Schedule be added to the Parliament (Prevention of Disqualification) Act, 1959 where in Statutory and non-statutory Bodies whose

---

* * * * Omitted as not covered by the Report.

membership even should disqualify, would be enumerated, these two Bodies should be recommended for being included in that Part.

* * * * *

8. The Committee then adjourned to meet again at 15.00 hours on Friday, the 2nd December, 1960.

****Omitted as not covered by the report.

IV

Seventeenth Sitting

The Committee met from 15.00 hours to 15:30 hours on Friday, the 2nd December, 1960.

PRESENT

Shri C. R. Pattabhi Raman—*Chairman.*

MEMBERS

Lok Sabha

2. Dr. M. S. Aney
3. Shri H. Siddananjappa

Rajya Sabha

4. Shri T. S. Avinashilingam Chettiar
5. Shri M. Govinda Reddy
6. Shri Rajendra Pratap Sinha

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee discussed the question of adding another Schedule to the Parliament (Prevention of Disqualification) Act, 1959 wherein bodies, not only whose chairmanship and secretaryship but even membership should disqualify, would be enumerated.

3. In this connection the Committee noted that in an analogous Act of the House of Commons *i.e.* the House of Commons Disqualification Act, 1957 (First Schedule, Part II) "commissions, tribunals and other bodies of which all members are disqualified", has been given. The Committee also perused in this regard the Reports of the Committee on Offices of Profit (Bhargava Committee) and the Joint Committee on the Parliament (Prevention of Disqualification) Bill, 1957 wherein recommendations have been made for disqualifying membership of certain bodies.

4. The Committee during the course of their examination of the composition, functions of various committees, boards, etc. had come across instances where they felt that membership of those bodies

would not be compatible with membership of Parliament for one reason or the other. Certain committees and boards were entrusted with executive or judicial powers. In other cases although membership did not carry any remuneration it carried much power and patronage. In respect of other bodies membership appeared incompatible due to physical impossibility to attend in two places or too onerous and heavy duties were attached to those offices. The Committee also felt that if members, who were associated with certain bodies as directors or otherwise, sat in the House they would be in an embarassing position *vis-a-vis* the Minister responsible for the particular statutory body when such bodies came up for discussion in the House.

5. The Committee therefore felt that there should be another schedule to the Parliament (Prevention of Disqualification) Act, 1959 enumerating committees, boards etc. whose membership should entail disqualification. The Committee decided to make a recommendation to that effect in their next report to be presented in the 13th session after they had decided upon committees which should be recommended for inclusion in that schedule.

6. The Committee then adjourned to meet again at 15.00 hours on Monday, the 23rd January, 1961.

V

Eighteenth Sitting

The Committee met from 15.00 hours to 16.35 hours on Monday, the 23rd January, 1961.

PRESENT

Shri C. R. Pattabhi Raman—*Chairman.*

MEMBERS

Lok Sabha

2. Dr. M. S. Aney
3. Shri Premji R. Assar
4. Dr. K. B. Menon
5. Shri Hirendra Nath Mukerjee
6. Shri Radha Charan Sharma
7. Shri H. Siddananjappa
8. Shri Satyendra Narayan Sinha

Rajya Sabha

9. Shri T. S. Avinashilingam Chettiar
10. Shri M. Govinda Reddy
11. Dr. Raj Bahadur Gour
12. Shri Rajendra Pratap Sinha.

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. At the outset Dr. Raj Bahadur Gour proposed that the practice of printing of minutes of the sittings of the Committee with the Report, as appendices, should be continued. After some discussion the Committee accepted the suggestion.

3. The Committee then took up consideration of memo Nos. 293 to 340 circulated by the Secretariat regarding composition, functions etc. of various Committees, Boards appointed by the Central and State Governments.

4. The Committee felt that the composition and functions of the following bodies are such that Chairman thereof should not be

exempted from disqualification and recommendation should be made for including them in Part I of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959:—

1. Advisory Board under maintenance of public order, Act 1949, (Bihar).
2. Advisory Board under the Preventive Detention Act, 1950, (Assam).
3. Advisory Board under Preventive Detention Act, 1950, (Bihar).
4. Advisory Council under the Assam Maintenance of Public Order Act, 1947 (Assam).
5. Advisory Council, under the Assam Maintenance of Public Order (Autonomous District) Act, 1953, (Assam).
6. Regional Transport Authorities (Madhya Pradesh).
7. State Transport Authority (Madhya Pradesh).

The Committee further decided to re-consider the above mentioned bodies when they examine composition, functions etc. of various bodies for inclusion in the proposed new schedule to the Parliament (Prevention of Disqualification) Act, 1959 wherein bodies whose membership even should disqualify, would be enumerated.

5. The Committee felt that the composition and functions of the following bodies are such that Chairman and Secretaries thereof should not be exempted from disqualification and recommendation should be made for including them in Part II of the Schedule:—

1. Muslim Wakfs Board, Bhopal (Madhya Pradesh).
2. State Council for Vocational Trades (Madhya Pradesh).
3. State Council for Training in Vocational Trades (Himachal Pradesh).
4. Technological Diploma Examination Board, Madras.

The Committee further decided to reconsider the constitution of the bodies at S. Nos. 1 to 3 when they examine various bodies for inclusion in the proposed new schedule to the Parliament (Prevention of Disqualification) Act, 1959, wherein bodies whose membership even should disqualify, would be enumerated.

* * * * * *

8. The Committee then adjourned to meet again at 15.00 hours on Tuesday, the 24th January, 1961.

***Omitted as not covered by the Report.

VI

Nineteenth Sitting

The Committee met from 15.00 hours to 15.45 hours on Tuesday, the 24th January, 1961.

PRESENT

Shri C. R. Pattabhi Raman—*Chairman.*

MEMBERS

Lok Sabha

2. Dr. M. S. Aney
3. Shri Premji R. Assar
4. Dr. K. B. Menon
5. Shri Hirendra Nath Mukerjee
6. Shri Radha Charan Sharma
7. Shri H. Siddananjappa
8. Shri Satyendra Narayan Sinha

Rajya Sabha

9. Shri T. S. Avinashilingam Chettiar
10. Shri M. Govinda Reddy
11. Dr. Raj Bahadur Gour
12. Shri Rajendra Pratap Sinha

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee took up for consideration Memoranda Nos. 341-378 circulated by the Secretariat regarding composition, functions etc. of various Committees, Boards appointed by the Central and State Governments.

3. The Committee felt that the composition and functions of the following bodies are such that Chairmen thereof should not be exempted from disqualification and recommendation should be made

for including them in Part I of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959:—

1. Assam State Electricity Board, (Assam.)

2. Committee of Management for Handicrafts Emporium Madurai (Madras).

The Committee further decided to reconsider the constitution of Assam State Electricity Board, Assam when they examine the composition, functions etc. of various bodies for inclusion in the proposed new schedule to the Parliament (Prevention of Disqualification) Act, 1959 wherein bodies whose membership even should disqualify, would be enumerated.

4. The Committee felt that the composition and functions of the following bodies are such that Chairmen and Sacretaries thereof should not be exempted from disqualification and recommendation should be made for including them in Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959:—

1. Muslim Wakfs Board, Gwalior (Madhya Pradesh).

2. State Council for Training in Vocational Trades, Madras.

The Committee further decided to reconsider the constitution of Muslim Wakfs Board Gwalior (Madhya Pradesh) when they examine composition, functions etc. of various bodies for inclusion in the proposed new schedule to the Parliament (Prevention of Disqualification) Act, 1959 wherein bodies whose membership even should disqualify, would be enumerated.

* * * * * *

*

***Omitted as not covered by the Report.

VII

Twentieth Sitting

The Committee met from 15.00 hours to 15.15 hours on Monday, the 17th April, 1961.

PRESENT

Shri C. R. Pattabhi Raman—*Chairman.*

MEMBERS

Lok Sabha

2. Dr. M. S. Aney
3. Shri Premji R. Assar
4. Dr. K. B. Menon
5. Shrimati Uma Nehru
6. Shri Radha Charan Sharma

Rajya Sabha

7. Diwan Chaman Lall

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee considered the draft Report and adopted the same.

3. The Committee desired that the Report might be presented to the Lok Sabha on the 25th April, 1961 and laid on the Table of the Rajya Sabha on the same day.

4. The Committee authorised the Chairman and in his absence, Dr. M. S. Aney to present the Report on their behalf.

5. The Committee authorised Diwan Chaman Lall and in his absence, Dr. Raj Bahadur Gour to lay a copy of the Report of the Committee on the Table of the Rajya Sabha.

6. The Chairman announced that the motion regarding consideration of their Third Report by the House will be moved by him during the Session.

7. The Committee then adjourned to meet again at 15.00 hours on Tuesday, the 4th July, 1961.

© 1961 BY LOK SABHA SECRETARIAT

PUBLISHED BY THE LOK SABHA SECRETARIAT UNDER RULE 382 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN LOK SABHA (FIFTH EDITION) AND PRINTED AT THE PARLIAMENTARY WING OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.